

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

September 11, 2000

**C034336 In re ASHLEY K.; CHILDREN'S SERVICES DIVISION v. MELISSA S.
(Not for Publication)**

The orders of the juvenile court are affirmed.

DAVIS, J.

We concur: Callahan, J.

Kolkey, J.

C034467 THE PEOPLE v. FARLINGER (Not for Publication)

The judgment is modified to award 100 days of presentence conduct credits and as modified is affirmed. The trial court is directed to amend the abstract of judgment to reflect this modification and to forward a certified copy of the abstract of judgment to the Department of Corrections.

RAYE, J.

We concur: Blease, Acting P.J.

Morrison, J.

**C033920 In re WILLARD M.; THE PEOPLE v. WILLARD M.
(Not for Publication)**

The judgment is affirmed.

HULL, J.

We concur: Scotland, P.J.

Sims, J.

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September 12, 2000

Appellant's petition for rehearing is denied as untimely.
SIMS, Acting P.J.

**C034955 In re JULLIAN B.; SACRAMENTO COUNTY DEPARTMENT OF
HEALTH AND HUMAN SERVICES v. JOSETTE B. and NORTH FORK
RANCHERIA (Certified for Partial Publication)**

It is ordered that the opinion filed herein on August 14, 2000, be modified as follows:

...

There is no change in judgment.

Respondent's petition for rehearing is denied.

The Attorney General's request to depublish this opinion is denied.

DAVIS, Acting P.J.

Callahan, J.

Hull, J.

C032080 THE PEOPLE v. ENGLAND (Certified for Partial Publication)

The judgment is affirmed.

HULL, J.

We concur: Davis, Acting P.J.

Raye, J.

C033489 In re the Marriage of WILFLEY (Not for Publication)

The judgment of affirmed.

MORRISON, J.

We concur: Scotland, P.J.

Kolkey, J.

C026565 SCHAPIRO v. BELLISARIO et al. (Not for Publication)

The judgment is reversed. Schapiro shall recover costs on appeal.

RAYE, J.

We concur: Scotland, P.J.

Nicholson, J.

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September 13, 2000

C032522	THE PEOPLE v. SMITH, JR.	(Not for Publication)
	The judgment is affirmed.	
	CALLAHAN, J.	
	We concur: Sims, Acting P.J.	
	Raye, J.	
C032739	THE PEOPLE v. GUYTON	(Not for Publication)
	The judgment is affirmed.	
	CALLAHAN, J.	
	We concur: Nicholson, Acting P.J.	
	Hull, J.	
C032648	THE PEOPLE v. SMITH	(Not for Publication)
	The judgment is modified to reflect 669 days of actual presentence custody and 334 days of presentence custody conduct credit, for a total credit of 1,003 days. The trial court is directed to amend the abstract of judgment to reflect these modifications, and to send a certified copy of the amended abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed.	
	DAVIS, J.	
	We concur: Sims, Acting P.J.	
	Morrison, J.	
C028819	THE PEOPLE v. TATUM	(Not for Publication)
	The judgment is reversed and the matter remanded to the trial court for further proceedings pursuant to section 1368 to determine defendant's present competency to stand trial.	
	KOLKEY, J.	
	We concur: Davis, Acting P.J.	
	Nicholson, J.	
C032203 C032692	ROTARY JOINT VENTURE, INC. v. HOME SAVINGS OF AMERICA, FSB	(Not for Publication)
	The judgment and the order awarding attorneys' fees are both affirmed.	
	DAVIS, J.	
	We concur: Blease, Acting P.J.	
	Nicholson, J.	
C032432	THE PEOPLE v. LYONS	(Not for Publication)
	The judgment (order revoking probation) is affirmed.	
	CALLAHAN, J.	
	We concur: Davis, Acting P.J.	
	Raye, J.	

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The Minutes

September 14, 2000

- C033309 THE PEOPLE v. FILCHAK (Not for Publication)**
The judgment is reversed. The trial court is directed to vacate the judgment of conviction, reinstate the charges, and permit defendant to withdraw his plea of no contest and enter a plea of not guilty. Should defendant elect not to withdraw his plea, the court shall impose sentence as required by the three strikes law (§ 1170.12, subd. (c)(1)).
HULL, J.
We concur: Nicholson, Acting P.J.
 Callahan, J.
- C033208 THE PEOPLE v. THRASH (Not for Publication)**
The judgment is modified to strike the six-month sentence in count two, and to award defendant 85 days of presentence credits on the sentence in count one. The judgment is affirmed as modified. The trial court is ordered to correct the March 12, 1998, minute order and conditions of probation to show probation was granted on the felony only, and service of the misdemeanor sentence was not a condition of probation. The court is instructed to amend the abstract of judgment to reflect the modification of judgment, and to forward a copy of the amended abstract to the Department of Corrections.
CALLAHAN, J.
We concur: Nicholson, Acting P.J.
 Hull, J.

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The Minutes

September 15, 2000

- C035044 THE PEOPLE v. DAWSON (Not for Publication)**
The judgment is affirmed. The trial court is directed to correct the abstract of judgment as noted above, and to forward a certified copy to the Department of Corrections.
 DAVIS, J.
We concur: Blease, Acting P.J.
 Callahan, J.
- C033308 THE PEOPLE v. BRUCATO (Not for Publication)**
The order appealed from is affirmed.
 SIMS, Acting P.J.
We concur: Callahan, J.
 Kolkey, J.
- C032576 BERGERON v. ZACHARY (Not for Publication)**
The judgment is affirmed.
 MORRISON, J.
We concur: Sims, Acting P.J.
 Callahan, J.
- C024576 PLANNING AND CONSERVATION LEAGUE et al. v. DEPARTMENT
OF WATER RESOURCES et al. (Certified for Publication)**
We reverse the judgment and remand the cause to the trial court. The trial court shall: (1) issue a writ of mandate vacating the certification of the EIR and make such other orders it deems appropriate pursuant to Public Resources Code section 21168.9, subdivision (a), and (2) determine the amount of the attorney fees to be awarded to plaintiffs. Pursuant to Public Resources Code section 21168.9, subdivision (b), the trial court shall retain jurisdiction over this action until DWR certifies an EIR in accordance with CEQA standards and procedures that meets the substantive requirements of CEQA.
 RAYE, J.
We concur: Blease, Acting P.J.
 Hull, J.